

*Marcia M. Waldron*

OFFICE OF THE CLERK

MARCIA M. WALDRON  
CLERK

## UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1790

Website: pacer.ca3.uscourts.gov

TELEPHONE

215-597-2995

M.D. Pa. (Harrisburg)  
(District) Clerk of District CourtDate 4/4/01Gayle v. York County Prison  
(Caption)C. OF A. NO. 01-1474Desmond V. Gayle  
(Appellant)RECEIVED  
HARRISBURG, PA00-CV-00881

APR 09 2001

(D.C. No.)

Enclosures:

4/4/01  
(Date)

Certified copy of C. of A. Order by the Court.

MARY E. D'ANDREA, CLERK  
Per *[Signature]*

Clerk

Released (Record) (Supplemental Record - First - Second - Third)

Copy of this form to acknowledge receipt and return to C. of A.

Record not released at this time until appeal(s) closed at No. (s) \_\_\_\_\_

Please forward Certified List in Lieu of Record to this office.

The certified copy of order issued as the mandate on \_\_\_\_\_  
is recalled.*Cynthia L. Jones*  
Administrative Manager267-299-7915  
Telephone Number

Receipt Acknowledge:

Marlene Campbell  
(Name)4/9/01  
(Date)

Rev. 7/7/00

Appeals (Certified List in Lieu of Record)

4/10/01  
JG  
EPS-194

March 21, 2001

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

**C.A. No. 01-1474**

DESMOND V. GAYLE

VS.

YORK COUNTY PRISON, ET AL.  
(M.D.Pa. Civ. No. 00-cv-00881)

**FILED**  
**HARRISBURG, PA**

APR 09 2001

MARY E. D'ANDREA, CLERK  
Per *[Signature]* [Signature]

Present: Marcia M. Waldron, Clerk

Submitted is appellant's affidavit in support of motion to proceed in forma pauperis, which is treated as a motion for leave to appeal in forma pauperis pursuant to Rule 24, Federal Rules of Appellate Procedure,

in the above-captioned case.

MMW/CLJ

**O R D E R**

The foregoing motion to proceed in forma pauperis is granted. Appellant filed a notice of appeal on February 20, 2001. Appellant is a prisoner and seeks to proceed in forma pauperis on appeal. Appellant is required to pay the full \$105.00 fee in installments regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the District Court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). The Court hereby directs the warden or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the Clerk of the Middle District of Pennsylvania. In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the Clerk of the Middle District of Pennsylvania equaling 20% of the preceding month's income credited to the prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal.

EPS-194

The foregoing motion to proceed in forma pauperis is granted. This appeal will be submitted to a panel of the Court for determination under 28 U.S.C. § 1915(e)(2). The Court will also consider appellant's motion for appointment of counsel, as well as any other appropriate action such as affirmance of the order of the District Court. See Third Circuit Internal Operating Procedure 10.6.

For the Court,

A True Copy

*Cynthia L. Jones*  
Deputy Clerk

*Marcia M. Waldron*  
\_\_\_\_\_  
Clerk

Dated: APR 4 2001  
CJ/CC: DVG, DLR